



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,186	07/30/2007	Paul V. Lehmann	CLTL-01007US2	6072
66936	7590	04/27/2009		
BORSON LAW GROUP, PC 1320 WILLOW PASS ROAD SUITE 490 CONCORD, CA 94520-5232			EXAMINER	
			SARWAR, BABAR	
			ART UNIT	PAPER NUMBER
			2617	
			MAIL DATE	DELIVERY MODE
			04/27/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/589,186	Applicant(s) LEHMANN, PAUL V.
	Examiner BABAR SARWAR	Art Unit 2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 30 July 2007.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-82 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-82 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 11 August 2006 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-166/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____

5) Notice of Informal Patent Application

6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-47, 63-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wheeler et al. (US 2002/0072348 A1) in view of Witte et al. (6,917,801 A1), hereinafter referenced as Wheeler and Witte.

Consider **claim 1**, Wheeler discloses a method for summoning help (**Abstract**, **Fig. 2**) comprising: transmitting information over a wireless network in response to a first user action (**Fig. 2 elements 202-206, where Wheeler discloses an emergency signal being transmitted to a security monitoring service**), wherein the information includes the geographic location of the user (**Para. 0007, Fig. 2 element 208, where Wheeler discloses the security monitoring service receiving subscriber location information**).

Wheeler does not specifically disclose biometrically identifying a user. Witte discloses biometrically identifying a user (**Col. 2 lines 66-67, Col. 3 lines 1-13, Fig. 1, where Witte discloses biometric sensor for identifying a user**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wheeler by specifically providing biometrically

identifying a user, as taught by Witte, for the purpose of expediting the emergency response to the user as discussed in Col. 1 lines 47-48.

Consider **claim 2**, Wheeler discloses everything claimed as implemented above (see claim 1). In addition, Wheeler discloses that wherein the information includes at least one of text; a sound; an image; and a video/movie (**Para 0010**).

Consider **claim 3**, Wheeler discloses everything claimed as implemented above (see claim 1). In addition, Wheeler discloses that wherein the information is transmitted by a device that is securely attached to the user (**Para 0006**).

Consider **claim 4**, Wheeler discloses everything claimed as implemented above (see claim 1). In addition, Wheeler discloses that wherein a portable device is used to transmit the information; and wherein the portable device is integrated with at least one of a mobile telephone; a digital camera; a computer game; a digital music player; a personal digital assistant; and a GPS receiver (**Para 0006**).

Consider **claim 5**, Wheeler discloses everything claimed as implemented above (see claim 1). In addition, Wheeler discloses that automatically summoning help in response to receipt of the transmitted information (**Para 0007**).

Consider **claim 6**, Wheeler discloses everything claimed as implemented above (see claim 1). In addition, Wheeler discloses wherein a portable device is used to transmit the information, wherein the portable device can receive a message, and wherein the message can include at least one of text; a sound; an image; and a video/movie (**Para 0010**).

Consider **claim 7**, Wheeler discloses everything claimed as implemented above (see claim 1). In addition, Wheeler discloses wherein the information can be transmitted over at least one of a wireless local area network; a wireless wide area network; a cellular network; a satellite network; a Wi-Fi network; and a pager network (**Fig. 1**).

Consider **claim 8**, Wheeler discloses everything claimed as implemented above (see claim 1). In addition, Wheeler discloses receiving the information; and rendering the information tamper-proof (**Fig. 2, where Wheeler discloses sending help to person in need**).

Consider **claim 9**, Wheeler discloses everything claimed as implemented above (see claim 1). In addition, Wheeler discloses wherein at least one of the following devices is activated in response to a second user action a sound recorder an image recorder; and a video/movie recorder (**Fig. 2**).

Claim 10, as analyzed with respect to the limitations as discussed in claim 1.

Consider **claim 11**, the combination discloses everything claimed as implemented above (see claim 10). In addition, Witte discloses that the method comprising biometrically identifying the user (**Col. 2 lines 66-67**).

Claim 12, as analyzed with respect to the limitations as discussed in claim 3.

Claim 13, as analyzed with respect to the limitations as discussed in claim 4.

Claim 14, as analyzed with respect to the limitations as discussed in claim 5.

Claim 15, as analyzed with respect to the limitations as discussed in claim 6.

Claim 16, as analyzed with respect to the limitations as discussed in claim 7.

Claim 17, as analyzed with respect to the limitations as discussed in claim 8.

Claim 18, as analyzed with respect to the limitations as discussed in claim 9.

Claim 19, as analyzed with respect to the limitations as discussed in claim 1.

Claim 20, as analyzed with respect to the limitations as discussed in claim 2.

Claim 21, as analyzed with respect to the limitations as discussed in claim 4.

Claim 22, as analyzed with respect to the limitations as discussed in claim 5.

Claim 23, as analyzed with respect to the limitations as discussed in claim 4.

Claim 24, as analyzed with respect to the limitations as discussed in claim 7.

Claim 25, as analyzed with respect to the limitations as discussed in claim 8.

Claim 26, as analyzed with respect to the limitations as discussed in claim 5.

Consider **claim 27**, the combination discloses everything claimed as implemented above (see claim 19). In addition, Wheeler discloses that method comprising remotely configuring the device from the user interface (**Para 0010, where Wheeler discloses configuring wireless**).

Consider **claim 28**, the combination discloses everything claimed as implemented above (see claim 19). In addition, Witte discloses a method comprising biometrically authenticating the person's identity (**Col. 2 lines 66-67**).

Claim 29, as analyzed with respect to the limitations as discussed in claim 1.

Claim 30, as analyzed with respect to the limitations as discussed in claim 28.

Claim 31, as analyzed with respect to the limitations as discussed in claim 28.

Claim 32, as analyzed with respect to the limitations as discussed in claim 7.

Claim 33, as analyzed with respect to the limitations as discussed in claim 3.

Claim 34, as analyzed with respect to the limitations as discussed in claim 4.

Claim 35, as analyzed with respect to the limitations as discussed in claim 5.

Claim 36, as analyzed with respect to the limitations as discussed in claim 8.

Claim 37, as analyzed with respect to the limitations as discussed in claim 1.

Claim 38, as analyzed with respect to the limitations as discussed in claim 28.

Claim 39, as analyzed with respect to the limitations as discussed in claim 8.

Claim 40, as analyzed with respect to the limitations as discussed in claim 5.

Claim 41, as analyzed with respect to the limitations as discussed in claim 5.

Claim 42, as analyzed with respect to the limitations as discussed in claim 8.

Claim 43, as analyzed with respect to the limitations as discussed in claim 4.

Claim 44, as analyzed with respect to the limitations as discussed in claim 4.

Claim 45, as analyzed with respect to the limitations as discussed in claim 4.

Claim 46, as analyzed with respect to the limitations as discussed in claim 4.

Claim 47, as analyzed with respect to the limitations as discussed in claim 27.

Claim 63, as analyzed with respect to the limitations as discussed in claim 1.

Claim 64, as analyzed with respect to the limitations as discussed in claim 8.

Consider **claim 65**, the combination discloses everything claimed as implemented above (see claim 63). In addition, Wheeler discloses wherein said signal further comprises a time stamp (**Para 0006**)

Claim 66, as analyzed with respect to the limitations as discussed in claim 3.

Claim 67, as analyzed with respect to the limitations as discussed in claim 1.

Claim 68, as analyzed with respect to the limitations as discussed in claim 1.

Claim 69, as analyzed with respect to the limitations as discussed in claim 64.

Claim 70, as analyzed with respect to the limitations as discussed in claim 9.

Claim 71, as analyzed with respect to the limitations as discussed in claim 8.

Claim 72, as analyzed with respect to the limitations as discussed in claim 4.

Claim 73, as analyzed with respect to the limitations as discussed in claim 4.

Claim 74, as analyzed with respect to the limitations as discussed in claim 7.

Claim 75, as analyzed with respect to the limitations as discussed in claim 5.

Claim 76, as analyzed with respect to the limitations as discussed in claim 9.

Claim 77, as analyzed with respect to the limitations as discussed in claim 9.

Claim 78, as analyzed with respect to the limitations as discussed in claim 9.

Claim 79, as analyzed with respect to the limitations as discussed in claim 9.

Claim 80, as analyzed with respect to the limitations as discussed in claim 4.

Claim 81, as analyzed with respect to the limitations as discussed in claim 65.

Claim 82, as analyzed with respect to the limitations as discussed in claim 5.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 48-54 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 48-54 are drawn to functional descriptive material recorded on a **machine readable medium**. Normally, the claim would be statutory. However, the specification, in **Para 0113** defines the claimed machine readable medium as encompassing statutory media such as a “ROM”, “hard drive”, “optical drive”, etc, as

well as **non-statutory** subject matter such as "**any type of media**" (**Para 0113 of Specification**) i.e. including a "signal"

A "signal" embodying functional descriptive material is neither a process nor a product (i.e., a tangible "thing") and therefore does not fall within one of the four statutory classes of § 101. Rather, "signal" is a form of energy, in the absence of any physical structure or tangible material.

Because the full scope of the claim as properly read in light of the disclosure encompasses non-statutory subject matter, the claim as a whole is non-statutory. The examiner suggests amending the claim to include the disclosed tangible computer readable media, while at the same time excluding the intangible media such as signals, carrier waves, etc. Any amendment to the claim should be commensurate with its corresponding disclosure.

3. **Claims 55-62** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 55-62 define "**a data signal**" with descriptive material. While "functional descriptive material" may be claimed as a statutory product (i.e., a "manufacture") when embodied on a tangible computer readable medium, **a signal** embodying that same functional descriptive material is neither a process (i.e., a series of steps per se.) nor a product (i.e., a tangible "thing") and therefore does not fall within one of the four statutory classes of § 101. Rather, "signal" is a form of energy, in the absence of any physical structure or tangible material.

Because the full scope of the claim as properly read in light of the disclosure encompasses non-statutory subject matter, the claim as a whole is non-statutory. The examiner suggests amending the claim to include the disclosed tangible computer readable media, while at the same time excluding the intangible media such as signals, carrier waves, etc. Any amendment to the claim should be commensurate with its corresponding disclosure.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BABAR SARWAR whose telephone number is (571)270-5584. The examiner can normally be reached on MONDAY TO FRIDAY 09:00 A.M -05:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NICK CORSARO can be reached on (571)272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BS/

/BABAR SARWAR/
Examiner, Art Unit 2617

/NICK CORSARO/

Supervisory Patent Examiner, Art Unit 2617